

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LITIGATION,

This document relates to:

ALL ACTIONS

CASE NO. 3:18-MD-02843-VC

**STIPULATION AND [PROPOSED]
ORDER REGARDING PROCESS TO LOG
EXEMPLAR MATERIALS FROM
FACEBOOK'S APP DEVELOPER
INVESTIGATION**

By and through their undersigned counsel, the parties hereby stipulate and agree as follows:

1. Whereas, on July 13, 2020, the Court ordered the parties to develop a methodology for Facebook to log a sample set of materials from its App Developer Investigation (“ADI”) over which Facebook asserts a claim of privilege;
2. Whereas, the parties have met and conferred extensively and exchanged numerous proposals to develop such a methodology;
3. Whereas, on July 22, Plaintiffs provided Facebook with a detailed written proposal to identify a subset of documents related to Facebook’s ADI;
4. Whereas, on August 31, after additional meet and confers, Facebook provided Plaintiffs a detailed written proposal outlining a comprehensive plan for Facebook to log exemplar materials;
5. Whereas, on September 3, Plaintiffs provided Facebook a counterproposal;
6. Whereas, on September 8, the Court issued a written order requiring the parties to enter a stipulation by September 11, 2020, detailing the process for addressing the privileged materials that Plaintiffs seek from Facebook’s ADI;
7. Whereas, on September 9, Facebook provided Plaintiffs a revised proposal in response to Plaintiffs’ counterproposal;
8. Whereas on September 11, following an additional meet and confer, Facebook provided Plaintiffs a further revised proposal;
9. Whereas, on September 11, Plaintiffs accepted the process outlined in Facebook’s further revised proposal, the agreed-upon portions of which are attached as **Exhibit A**.

THE PARTIES THEREFORE STIPULATE AND AGREE AS FOLLOWS:

1. By September 16, 2020, Plaintiffs will identify five apps from the lists of apps set forth on **Exhibit A**, consistent with the process identified in **Exhibit A**.

2. Facebook will thereafter begin collecting and searching for responsive documents, consistent with the process identified in **Exhibit A**.

3. Because Facebook will not know the volume of documents that will be collected and logged until after Plaintiffs identify exemplar apps, the parties agree that they will be prepared to stipulate by September 25, 2020 (the next Discovery Conference) to a timetable for the production of logs of ADI materials related to the apps identified by Plaintiffs. The parties will thereafter work cooperatively to develop a reasonable timetable for privilege challenges and potential briefing to the Court.

Dated: September 11, 2020

KELLER ROHRBACK LLP

By: /s/ Derek W. Loeser
Derek W. Loeser

Derek W. Loeser (admitted *pro hac vice*)
Lynn Lincoln Sarko (admitted *pro hac vice*)
Gretchen Freeman Cappio (admitted *pro hac vice*)
Cari Campen Laufenberg (admitted *pro hac vice*)
David J. Ko (admitted *pro hac vice*)
Benjamin Gould (SBN 250630)
Adele Daniel (admitted *pro hac vice*)
1201 Third Avenue, Suite 3200
Seattle, WA 98101
Tel.: (206) 623-1900
Fax: (206) 623-3384
dloeser@kellerrohrback.com
lsarko@kellerrohrback.com
gcappio@kellerrohrback.com
claufenberg@kellerrohrback.com
dko@kellerrohrback.com
bgould@kellerrohrback.com
adaniel@kellerrohrback.com

Christopher Springer (SBN 291180)
801 Garden Street, Suite 301
Santa Barbara, CA 93101
Tel.: (805) 456-1496

Respectfully submitted,

BLEICHMAR FONTI & AULD LLP

By: /s/ Lesley E. Weaver
Lesley E. Weaver

Lesley E. Weaver (SBN 191305)
Anne K. Davis (SBN 267909)
Joshua D. Samra (SBN 313050)
Matthew P. Montgomery (SBN 180196)
Angelica M. Ornelas (SBN 285929)
555 12th Street, Suite 1600
Oakland, CA 94607
Tel.: (415) 445-4003
Fax: (415) 445-4020
lweaver@bfalaw.com
adavis@bfalaw.com
jsamra@bfalaw.com
mmontgomery@bfalaw.com
aornelas@bfalaw.com

Fax: (805) 456-1497
cspringer@kellerrohrback.com

Co-Lead Counsel for Plaintiffs

DATED: September 11, 2020

Respectfully submitted,

GIBSON, DUNN & CRUTCHER, LLP

Deborah Stein (SBN 224570)
dstein@gibsondunn.com
333 South Grand Avenue
Los Angeles, CA 90071-3197
Telephone: 213.229.7000
Facsimile: 213.229.7520

Kristin A. Linsley (SBN 154148)
klinsley@gibsondunn.com
Martie Kutscher (SBN 302650)
mkutscherclark@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
555 Mission Street, Suite 3000
San Francisco, CA 94105-0921
Telephone: 415.393.8200
Facsimile: 415.393.8306

Attorneys for Defendant Facebook, Inc.

By: /s/ Orin Snyder
Orin Snyder (*pro hac vice*)
osnyder@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
New York, NY 10166-0193
Telephone: 212.351.4000
Facsimile: 212.351.4035

Joshua S. Lipshutz (SBN 242557)
jlipshutz@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue, N.W.
Washington, DC 20036-5306
Telephone: 202.955.8500
Facsimile: 202.467.0539

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATE: _____

United States Magistrate Judge Jacqueline Corley

SIGNATURE ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained.

DATED: September 11, 2020

By: /s/ Deborah Stein
Deborah Stein

CERTIFICATE OF SERVICE

I, Deborah Stein, hereby certify that on September 11, 2020, I electronically filed the foregoing with the Clerk of the United States District Court for the Northern District of California using the CM/ECF system, which shall send electronic notification to all counsel of record.

By: /s/ Deborah Stein
Deborah Stein